

Town of Chatham Conservation Commission



ADMINISTRATIVE REVIEW

Policy #04-102

Background: Some proposed projects that fall within the jurisdiction of the Conservation Commission are of such small scale as to cause no conceivable threat to any interest of the Wetlands Protection Act or Chatham Wetlands Protection Bylaw. Such projects should not undergo the scrutiny of a formal hearing before the Commission and can be adequately reviewed by the Conservation Agent.

This approval process is intended to reduce the workload of the Commission and to permit the Commission to use its limited time and resources on the larger projects which generally pose a greater threat to wetland resources.

Applicability: If a project meets all of the conditions below, the work may be approved by the Agent without the filing of a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI). Each approval must be ratified by the Conservation Commission prior to commencement of work.

If the Agent has any doubt that a project meets these conditions, the applicant will be required to request a hearing and file an RDA or NOI through the normal process.

A project may be approved by the Conservation Agent without a hearing if it meets all of the following conditions:

1. No new construction is proposed in any wetland resource area as defined in 310 CMR 10.02;
2. Any proposed construction within the Adjacent Upland Resource Area is more than fifty feet from the abutting resource area, (eg) more than 50ft from the top of a coastal bank;
3. No excavation by machinery is required or proposed;
4. No uprooting of vegetation is proposed;
5. No mowing to the ground or clear cutting of vegetation is proposed; and
6. Any proposed tree removal is demonstrated to be necessary to protect existing structures, traffic visibility, etc. and any proposed mitigation is deemed by the Agent to be adequate (e.g. area to be replanted with native species of trees or shrubs).

Instructions:

1. The Administrative Review Form is to be submitted, containing enough information to determine where the project is located and whether it meets the above requirements.
2. A \$25 fee is to accompany the completed form.
3. Written permission for entry onto property must be granted and signed by the owner of record.

Procedure:

1. Following submission of the form, the Commission or the Agent will visit the site. At the time of inspection, the applicant will have clearly defined the proposed project in the field, as practicable, and corresponding to the plan.
2. The Agent will determine whether all conditions of this policy are met.
3. The Agent will issue an Administrative Review Decision within twenty-one (21) days of receipt of a *completed* Administrative Review Form that fulfills the information requirements.
4. The Commission must vote to ratify the Agent's decision prior to the decision being issued and *prior to the work commencing*.
5. The decision, once ratified, shall be filed as a permanent record with the Commission.
6. If the decision rendered by the Agent is opposed by any party in interest, he or she may apply for a Request for Determination of Applicability.
7. Once a project is approved, the applicant must notify the Conservation Office of work start. The work must be completed within 7 days of such notification.
8. The work must be completed within 6 months of the administrative approval.
9. The Agent may inspect the property to verify the work is within the scope of the approved proposal.

